



UNITED STATES
PATENT AND
TRADEMARK OFFICE

OCT 2 2002

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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166B CUMMINGS CENTER
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#15

In re Application of :
Michael J. Comb et al :
Serial No.: 09/535,364 : PETITION TO MAKE SPECIAL
Filed: March 24, 2000 :
Attorney Docket No.: CST-138 :

This is in response to applicant's petition filed September 17, 2002, to make the above-identified application special under the provisions of 37 CFR 1.102(c).

Applicants' statement of why special status for the above identified application is requested is unclear. Applicants' reason(s) may be related to sections I, II or XII, or possibly some other section of M.P.E.P. 708.02. Applicants indicate the method claims may be subject to infringement (II), but fail to provide the required statements in order to qualify for special status. Applicants also indicate that manufacture (I) is already effected which would apparently disqualify the application from special status under this section. The application may be related to biotechnology (XII), but it is unclear that this is the reason for requesting special status. Absent some clear reason(s) satisfying one of the sections of M.P.E.P. 708.02, special status cannot be granted. It is also noted that applicants have received two Office actions prior to the submission of this petition indicating that the application is under active prosecution in the Office.

The petition is **DISMISSED** for the reasons set forth above.

The application will be forwarded to the examiner for further consideration.

The petition fee of \$130.00 will be charged to applicants' Deposit Account No. 50-1774, as directed.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

William R. Dixon, Jr.
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